

REMARKS

Claims 1-13 are pending in the above identified application. Claims 1, 3, 5, 6, 9 and 10 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5, 557,887 to Fellows et al. Claim 2 stands rejected under 35 U.S.C. 103(a) as unpatentable over Fellows et al. Claims 11-13 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 6,172,475 to Fitzgibbon et al. Claims 4, 7 and 8 stand objected to as depending from a rejected base claim, but would be allowable if re-written in independent form. Claims 4, 7 and 8 have not been re-written because the claims from which they depend are asserted to be allowable.

Drawing Fig. 4 is objected to for not bearing a legend "PRIOR ART". Enclosed is a request for the approval of a change to Fig. 4 to which the legend "PRIOR ART" has been added as have the words "Replacement Sheet".

Claim 1 is objected to because of a missing word "of" in line 20 thereof. Claim 1 has been amended to add the missing "of".

The Examiner states that claim 11 is indefinite under 35 U.S.C. 112 second paragraph, because "the sensed operational variable speed" lacks antecedent basis. Claim 11 has been amended to introduce "a sensed operational speed" at line 9 (page 13, line 34) and to consistently use that phrase at page 14, line 5 and page 14, line 9. These amendments obviate the indefiniteness of claim 11.

Claim 1 stands rejected under 35 U.S.C. 102(b) based on Fellows et al. Claim 1 recites a barrier movement operator in which a motor, which is constructed to exhibit an enhanced characteristic of a sensed variable (such as speed) to torque to improve rapid detection of changes of rate of movement of a barrier. An embodiment of such a motor is shown in Figs 9A&B and described from page 8, line 28 to page 10, line 8. Fellows et al. does not suggest a motor which has been constructed to exhibit an enhanced characteristic of a sensed operational value as recited in claim 1. The Examiner advances that such is shown in col 8, lines 6-17 of Fellows et al. The cited section of Fellows et al., however, teaches away from applicant's motor construction in that it teaches and suggests changes to the micro-controller to compensate for the characteristics of a motor. Nothing in Fellows et al. suggests constructing a motor in the manner recited in

claim 1 and accordingly, Fellows et al. does not anticipate claim 1 under 35 U.S.C. 102(b). Claims 2-5 which depend from claim 1 are asserted to be allowable because of that dependence.

Claim 6 has been amended to recite a power control arrangement which energizes the motor by conducting portions of successive cycles of a sine wave to the motor to enhance the sensing of the operational variable to torque characteristics of the motor. Such limitation is not suggested by Fellows et al. Fellows et al. includes triacs which are used to gate a sine wave to a motor, but the only suggested function is that of varying motor speed - not enhancing the sensing of an operational variable. Accordingly, Fellows et al. does not suggest the combination recited in claim 6 and the rejection is traversed. Claims 7-10 are asserted to be allowable due to their dependence on claim 6.

Claim 11 stands rejected under 35 U.S.C. 102(b) as being anticipated by Fitzgibbon et al. Claim 11 recites a controller which responds to position signals to reverse the direction of movement of a barrier during a first range of positions when the sensed operational speed is less than a particular first speed and to reverse the direction of movement of the barrier during a second range of positions when the sensed operational speed is less than a second speed (less than the first speed). No such operation is suggested by Fitzgibbon et al. The Examiner urges that such is shown in part by col. 5, lines 11-18, however, the cited part of Fitzgibbon et al. relates to start up, running and slow down speeds of barrier motion, not to different thresholds for barrier reversal. Fig. 20B, item 970 and Fig. 20D, item 1028 are also cited. The two cited items do not show different thresholds for barrier reversal dependent upon door position, they both employ the one threshold set by item 970. Item 1028 is performed when the barrier speed exceeds the item 970 threshold and is beyond the closed limit. The single threshold for barrier reversal i.e., item 970 is used for both conditions. Accordingly, Fitzgibbon et al. does not suggest the last paragraph limitations of claim 11 and the rejection is traversed. Claims 12 and 13 which depend from claim 11 are asserted to be allowable due to their dependence.

Application No. 10/760,069
Reply to Office Action of November 16, 2005

Attorney Docket No. 79980

The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,

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Amendments to the Drawing:

The attached sheet includes changes to Fig. 4A, and approval is sought to change the original sheet.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes